IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3140 OF 2003

Smt. Safibi Abdul Sattar .. Petitioner

Vs.

Deputy Collector (ENC) and ors. .. Respondents

Mr. G.S. Bhat for petitioner.
Ms. V. Mhaispurkar, AGP for respondent no.1.
Mr. R.V. Govilkar for respondent nos.2,3,4 and 30.

CORAM: B.H. MARLAPALLE, J.

Date : June 29, 2006.

P.C.:

1. Heard the learned counsel for the petitioner. The slum area declaration made by a notification dated 26/7/1996 by the Competent Authority and published in the Gazette dated 22/8/1996 was challenged by the petitioner in Appeal No. 97 of 1997 and the said appeal came to be dismissed by the President of the Maharashtra Slum Areas (I.C. & R) Act Tribunal at Mumbai and hence this petition.

2. It is clear from the record that during the last about four years there was no stay by way of ad-interim relief against the impugned order. The appellant had contended that no notice was issued before the impugned notification was published and

that the property in question was not a slum. The Appellate Authority on perusal of the record noted that the entire property was under the slum area declaration of the year 1976 and a declaration to that effect was issued. It was subsequently set aside on technical ground and the Competent Authority was granted liberty to issue a fresh notification by following the due procedure and in the second round due procedure was complied with. The appellant herself had submitted proposal under DCR 33(10) for redevelopment of the subject property and this act of the appellant itself demonstrated that the property was a slum when the petitioner had submitted such a proposal. The reasoning given by the Lower Appellate Authority in dismissing the appeal cannot be held to be perverse or patently illegal so as to call for interference in the supervisory powers of this court under Article 227 of the Constitution.

3. Hence, the petition is rejected summarily.

(B.H. Marlapalle,J.)